

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

Dwayne Curtis Deleston,

Petitioner,

Civ. No. 12-730 (RHK/SER)

**ORDER**

v.

Scott P. Fisher,

Respondent.

---

This matter is before the Court upon the Report and Recommendation of United States Magistrate Judge Steven E. Rau, dated March 28, 2012 (Doc. No. 4), which recommended that the Court dismiss Petitioner Dwayne Curtis Deleston's application for habeas corpus relief under 28 U.S.C. § 2241. Deleston has filed Objections (Doc. No. 6) to the Report and Recommendation.

Having reviewed *de novo* the Report and Recommendation, and having carefully considered Deleston's Objections, see 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2, the Court agrees with the Magistrate Judge that Deleston's Petition is frivolous and should be dismissed. Based on the foregoing, and all the files, records, and proceedings herein, **IT IS ORDERED** that:

1. Deleston's Objections (Doc. No. 6) to the Report and Recommendation are **OVERRULED**;

2. The Report and Recommendation (Doc. No. 4) is **ADOPTED** in its entirety;

3. Deleston's Petition (Doc. No. 1) is **DISMISSED WITH PREJUDICE**;  
and

4. Deleston's application to proceed *in forma pauperis* (Doc. No. 2) is  
**DENIED.**

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: April 16, 2012

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge